



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.472 of 2023

Narendra alias Naresh s/o Kisanrao Sonone

vs.

*State of Maharashtra, through PSO, Police Station Aasegaon Purna,
Taluka Chandur Bazar, District Amravati*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. S.G. Karmarkar, Advocate for the Applicant.
Mr. M.J. Khan, A.P.P. for the Non-Applicant/State.*

CORAM : M.W. CHANDWANI, J.
DATE : 25th SEPTEMBER, 2023.

The applicant seeks bail in connection with Crime No.174/2022, registered with Police Station Aasegaon Purna, Taluka Chandur Bazar, District Amravati. It is alleged that the applicant committed murder of his brother and also assaulted his nephew by means of a spear and, therefore, offence under Sections 302, 307 and 504 of the Indian Penal Code came to be registered.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] Perused the case diary. It is contended on behalf of the learned Counsel for the applicant that the applicant was not having any intention to commit murder of his brother. The deceased and the injured had been to the house of the applicant and they were aggressors. According to him, the alleged injury upon the person of the deceased is only one. He submits that the investigation is complete and the charge-sheet has already been filed. According to him, the trial will take considerable time. He submits that considering

the material available on record, the application deserves to be allowed.

04] The learned A.P.P. submits that the applicant has not only committed murder of his brother, but also assaulted his nephew. The offence is of serious in nature. The applicant is resident of the same village. According to him, there may be chances of repeating the offence by the applicant and, therefore, sought rejection of the bail application

05] Perusal of the First Information Report shows that on 13/09/2022, the applicant, who is brother of the deceased, levelled allegation of theft against the daughters of the deceased and abused the wife of the deceased. When the deceased came to know about the incident, he along with his son and the complainant went to the house of the applicant and questioned about the accusation made by him. The applicant brought a spear from his house and assaulted it's blow on the chest of the deceased as well as on the head of his nephew and thereafter fled away from the spot. The deceased was succumbed to the injury in the hospital. On the complaint lodged by the complainant, the aforesaid offence came to be registered with Police Station Aasegaon against the accused.

06] It transpires that the deceased along with injured had been to the house of the applicant. The applicant has also sustained two stabbed injuries, which per-supposes of a scuffle amongst them. Whether, the applicant was having an intention to commit murder of the deceased, is a matter of trial. Considering the fact that the deceased and injured himself went to the house of the applicant and also considering number of injuries sustained by the deceased and the

injuries sustained by the applicant, a case is made out for exercising discretion in favour of the applicant, particularly when the investigation is complete and the charge-sheet has already been filed.

07] There is no likelihood that the applicant will flee away from justice. So far as the apprehension of the prosecution that the family of the deceased and the applicant is of the same village and there may be chances of again happening of untoward incident is concerned, it can be protected by imposing conditions while releasing the applicant on bail. Hence, the following order is passed :

- i. The application is allowed.
- ii. Applicant – Narendra alias Naresh s/o Kisanrao Sonone be released on bail in connection with Crime No.174/2022, registered with Police Station Aasegaon Purna, Taluka Chandur Bazar, District Amravati, on his furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount.
- iii. The applicant shall not enter into the area, which comes under the jurisdiction of Police Station Aasegaon Purna, District Amravati, till conclusion of the trial.
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- v. The application is disposed of in the above terms.

JUDGE